

The Origin of “*Guang Gun Li*” and Its Legislative Flaws

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Abstract

The crimes committed by *guang gun*, or hoodlums, was one of the social issues in both Ming and Qing dynasties. Ever since the Ming dynasty, provisions reading *guang gun*'s crimes has existed in the legislation; though the year of 1656, the Qing government formulated an ordinance in particular to punish the *guang guns*. This ordinance was the predecessor of the so called *Guang Gun Li*, or “the sub-statute for hoodlums”, which was modified many times until it reached its final form in Qianlong period(1736-95). The promulgation of *Guang Gun Li* not only enhanced the penalties for *Guang Gun* but also gave new legal meanings to the term *Guang Gun*, which created a new crime title – the Crime of *Guang Gun*. This article endeavored to trace to the origin of *Guang Gun Li* and its evolvement through textual research. This paper also attempted to evaluate and analyze the new crime title adopted in Qing dynasty towards *guang guns* from the angle of the legislative technology.

Keywords: *Guang Gun* (hoodlums), *Guang Gun Li* (the sub-statute for hoodlums), the Crime of *Guang Gun*, the Ordinance promulgated in the 13th year of Shunzhi, the Ordinance for extortion by Villains, Using Intimidation to Obtain Property